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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 **SEAN JEFFERY RICHSON-BEY ,**

NO. 1:22-CV-00567-ADA-BAM (PC)

12 Plaintiff,

**DISCOVERY AND
SCHEDULING ORDER**

13 vs.

14 **J. JUAREZ ,**

Deadline to Amend Pleadings: **September 23, 2023**

Exhaustion Motion Filing Deadline: **October 23, 2023**

Discovery Deadline: **February 23, 2024**

15 Defendant(s).

Dispositive Motion Deadline: **May 02, 2024**

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17 Pursuant to Federal Rules of Civil Procedure 1, 16, and 26–36, discovery shall proceed as follows:

18 **Discovery Procedures:**

19 1. Discovery requests shall be served by the parties pursuant to Federal Rule of Civil Procedure 5
20 and Local Rule 135. Discovery requests and responses shall not be filed with the Court unless required by
21 Local Rules 250.2, 250.3 and 250.4.

22 2. Responses to written discovery requests shall be due **forty–five (45) days** after the request is first
23 served. Boilerplate objections are disfavored and may be summarily overruled by the Court. Responses
24 to document requests shall include all documents within a party's possession, custody or control.

25 See Fed. R. Civ. P.34(a)(1). Documents are deemed within a party's possession, custody or control if the
26 party has actual possession, custody or control thereof, or the legal right to obtain the property on demand.

27 Amendments to discovery responses served after the filing of and in response to a motion to compel are

28 strongly disfavored, absent good faith. The parties are required to act in good faith during the course of

discovery and the failure to do so may result in the payment of expenses pursuant to Federal Rule of Civil Procedure 37(a)(5) or other appropriate sanctions authorized by the Federal Rules of Civil Procedure or the Local Rules, which may include dismissal of the case.

3. Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), Defendant may depose Plaintiff and any other witness confined in a prison upon condition that, at least fourteen (14) days before such a deposition, Defendant serves all parties with the notice required by Federal Rule of Civil Procedure 30(b)(1). Pursuant to Federal Rule of Civil Procedure 30(b)(4), the parties may take any deposition under this section by video conference without a further motion or order of the Court. Pursuant to Federal Rule of Civil Procedure 30(b)(3)(A), a court reporter may be present at a deposition by video conference without a further motion or order of the Court. Nothing herein forecloses a party from bringing a motion for protective order pursuant to Federal Rule of Civil Procedure 26(c)(1) if necessary.

4. If discovery disputes arise, the parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of the Federal Rules of Civil Procedure and Rules 110, 130, 131, 133, 135, 142, 144, and 230(l) of the Local Rules of Practice for the United States District Court, Eastern District of California. A discovery motion that does not comply with applicable rules will be stricken and may result in imposition of sanctions. However, unless otherwise ordered, Local Rule 251 shall not apply, and the requirement set forth in Federal Rules of Civil Procedure 26 and 37 of a good faith conference or attempt to confer with the other party to resolve the dispute shall not apply. Voluntary compliance with this provision of Rules 26 and 37 is encouraged, and if the Court deems it appropriate in any given case, it will reimpose the good faith meet and confer requirement. A moving party should not seek to compel production of documents which are equally available to that moving party, such as documents in plaintiff's central file.

Amendment to Pleadings:

5. All stipulated amendments or motions to amend shall be filed by **September 23, 2023**.

Filing Deadlines:

6. The deadline for filing motions for summary judgment under Federal Rule of Civil Procedure 56 for failure to exhaust administrative remedies is **October 23, 2023**.

7. The deadline for the completion of all discovery, including filing all motions to compel discovery, is **February 23, 2024**. Absent good cause, discovery motions will not be considered if filed after the

1 discovery deadline. Therefore, discovery requests and deposition notices must be served **at least forty-five**
2 **(45) days before** the discovery deadline to permit time for a response and time to prepare and file a motion
3 to compel.

4 8. The deadline for filing all dispositive motions (other than a motion for summary judgment for
5 failure to exhaust) is **May 02, 2024**.

6 9. Courtesy hard-copies SHALL reflect the CM/ECF document numbers and pagination.

7 10. **A request for an extension of a deadline set in this order must be filed on or before the**
8 **expiration of the deadline in question and will only be granted on a showing of good cause.**

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10 DATED: June 23, 2023 /s/ Barbara A. McAuliffe
11 U.S. Magistrate Judge
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